

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

RE: MARK ANTHONY EVERHART) CHAPTER 7
ADA SERENA VICTORIA EVERHART) CASE NO. 06-61360

)

**DEBTORS' MOTION TO DISMISS
CHAPTER 7 CASE**

The Debtors in the above-mentioned case, by their attorney, pursuant to 11 U.S.C. § 707, hereby move to dismiss their bankruptcy case for the following reasons:

1. A voluntary petition under Chapter 13 of the Bankruptcy Code was filed by the Debtors on September 7, 2006. Said case was converted to a Chapter 7 on January 18, 2008.

2. No complaints objecting to discharge or to determine the dischargeability of any debt have been filed in the case.

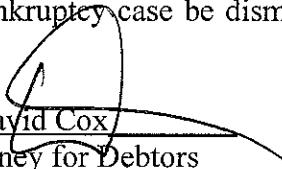
3. The Debtors' rented home caught fire five days after their case was converted to a Chapter 7, exposing them to significant claims for property damage that would not be covered by their present Chapter 7 filing.

4. The Debtors seek the dismissal of their Chapter 7 case without prejudice in order to preserve their ability to file a subsequent bankruptcy should they ultimately be found liable for the property damage related to the fire in their home.

5. No creditor has filed a claim in this case.

WHEREFORE, the Debtors pray that this bankruptcy case be dismissed without prejudice.

Date: 03/14/08


/s/ David Cox
Attorney for Debtors

David Cox
COX LAW GROUP, PLLC
900 Lakeside Drive
Lynchburg, VA 24501
Telephone: (434) 845-2600
Fax: 434-845-0727

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

IN RE: MARK ANTHONY EVERHART
ADA SERENA VICTORIA EVERHART
Debtor(s)

CHAPTER 13
CASE NO. 06-61360

NOTICE OF HEARING

Please take notice that the attached *DEBTOR'S MOTION TO DISMISS CHAPTER 7 CASE* will be heard on *April 17, 2008, at 9:30 a.m.* in the *U.S. Bankruptcy Court, 1101 Court Street, Lynchburg, Virginia*. Should you object or otherwise wish to be heard, please be present and prepared to protect your interests.

I hereby certify that on the 14th day of March, 2008, a true and correct copy of this notice and pleading was served via first class mail to the Debtor(s), to the Chapter 13 Trustee, and to all affected creditors.

Respectfully submitted,

By: /s/ David Cox
Counsel for Debtor(s)

David Cox
David Wright
Janice Hansen
COX LAW GROUP, PLLC
900 Lakeside Drive
Lynchburg, VA 24501
434/845-2600
434/845-0727 fax